

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

AMERICAN POSTAL WORKERS UNION,
GREATER CINCINNATI OHIO AREA
LOCAL 164, AFL-CIO (APWU)
(United States Postal Service)

and

Case 09-CB-245613

JOCEYLYN HARGRAVE, AN INDIVIDUAL

ORDER

Respondent, American Postal Workers Union, Greater Cincinnati Area Local 164, AFL-CIO
its officers, agents, and representatives, shall:

1. Cease and desist from;

(a) Failing and refusing to represent employees in bargaining units which it represents by failing to file and process requested grievances or grievances for which it has undertaken the duty to file or process, for reasons that are arbitrary, perfunctory, invidious, and unfair.

(b) In any like or related manner, restraining or coercing employees in the exercise of their rights under Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Request that the United States Postal Service (Employer) make Jocelyn Hargrave whole for any lost wages and benefits suffered when the Employer removed Jocelyn Hargrave from a light duty position and consequently from work on March 29, 2020, and if the Employer refuses to make Hargrave whole as requested, promptly pursue a grievance on her behalf in the applicable grievance procedure, including arbitration, in good faith and with all due diligence.

(b) Permit Jocelyn Hargrave to be represented by her own legal counsel in the grievance and arbitration procedure and pay the reasonable legal fees of such counsel.

(c) In the event it is not possible to pursue a grievance on Hargrave's behalf over her removal from light duty and consequent removal from work by the Employer, as a result of procedural defenses raised by the Employer or for other reasons, resulting in the inability to resolve the grievance on the merits, participate in a compliance proceeding in which the issue will be the merits of the grievance issue and the appropriate remedy. A finding of merit will result in Respondent's obligation to make Hargrave whole, with interest and excess taxes, for any loss of pay and benefits she suffered as a result of Respondent's unlawful conduct in failing to file and process a grievance on her behalf.

(d) Post at its offices, meeting places, and other facilities copies of the attached notice marked "Appendix." Copies of the notice, on forms provided by the Regional Director for Region 9, after being signed by Respondent's authorized representative, shall be posted by Respondent immediately on receipt and maintained for 60 consecutive days in conspicuous places, including all places where notices to members are customarily posted. Reasonable steps shall be taken by Respondent to ensure that the notices are not altered, defaced, or covered by any other material.

(e) Notify the Regional Director in writing within 20 days from the date of this Order what steps the Respondent has taken to comply.

IT IS FURTHER ORDERED that a supplemental compliance hearing be held at which time the issues will be limited to the merits of Hargrave's grievance and the appropriate remedy.

NOTICE

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with your employer on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT fail and refuse to represent employees in collective-bargaining units which we represent, and for whom we owe a duty of fair representation, by failing or refusing to file or process grievances requested by employees or grievances which we have undertaken the duty to file or process, for reasons which are arbitrary, perfunctory, invidious or unfair.

WE WILL NOT in any like or related manner, restrain or coerce employees in the exercise of their rights under Section 7 of the Act.

WE WILL promptly initiate and pursue in good faith and with due diligence a grievance(s) on behalf of Jocelyn Hargrave over the Employer's removal of her from light duty and her consequent removal from work.

WE WILL permit Jocelyn Hargrave to be represented by her own counsel in the grievance and arbitration procedure, and **WE WILL** pay the reasonable legal fees of such counsel. And if it is not possible to pursue through arbitration a grievance on Jocelyn Hargrave's behalf over the Employer's removal of her from light duty and her consequent removal from work;

WE WILL, on a final adjudication in a compliance proceeding of merit to the grievance that we unlawfully failed to pursue on Jocelyn Hargrave's behalf, make her whole for any loss of pay and benefits she suffered with interest and excess taxes, as a result of our failure to file and process a grievance(s) over the Employer's removal of her from light duty and her consequent removal from work.